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January 15, 2015

AUSA Shreve Ariail  
Office of the United States Attorney  
Eastern District of New York  
271 Cadman Plaza East  
Brooklyn, NY 11201

Re: United States v. Ahmed etal.  
**including Mohamed Yusuf**  
Ind. 12 Cr 661(S1)(SLT)

Dear Mr. Ariail:

I am the attorney for Mohamed Yusuf in the above captioned matter. I write to respond to your assertion, made at a status conference on January 8, 2015, that you either could not understand my letters of December 29, 2014, or that they sought early production of materials pursuant to 18 U.S.C. §3500.

One of the letters of December 29, 2014, sought "any information that shows or tends to show that witnesses the government intends to call at trial or depose pre-trial were tortured or threatened with torture prior to making statements to the U.S. or any other government". This request does not, to our knowledge, seek statements of witnesses the government intends to call. Rather, it seeks any information from any source which shows that one or more government witnesses were tortured. This information may come from inmates held with the witness, officials of the government where the witness is imprisoned, family members of the witness, U.S. government personnel who are

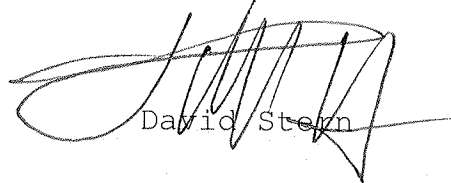
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aware that the witness was tortured, or any other competent source. Such information would be exculpatory or could lead to exculpatory evidence because information derived from torture or the threat of torture may be unreliable. Additionally, if the government does intend to call witnesses who will testify that one or more witnesses were tortured the defense should be apprised of that prior to trial so that any appropriate motions can be made.

The second December 29, 2014 letter seeks "disclosure of any information that shows or tends to show that the F.B.I. or other U.S. law enforcement agencies have policies or practices regarding the reliability or lack of reliability of voice identification and whether the justice department has ever objected to or challenged the methods or methods similar to the ones utilized by Mr. Lindh in this case." Again, the defendant does not seek statements of witnesses the government intends to call at trial. We presume the government will not call witnesses who contradict their position. Rather, the letter seeks information regarding any U.S. law enforcement agency that has a policy or position contrary to that espoused by the government at trial -- specifically, that the methods utilized by Mr. Lindh in identifying what he claims is Mr. Yusuf's voice are flawed or unreliable. For reasons which I think are obvious, this information, if it exists, is exculpatory.

I am hopeful that this letter clarifies our position. If you still do not understand our request please do not hesitate to write regarding concerns

Sincerely,



David Stern